# SENATE, No. 541

# STATE OF NEW JERSEY

## 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

#### **Sponsored by:**

Senator SHIRLEY K. TURNER
District 15 (Hunterdon and Mercer)
Senator ROBERT M. GORDON
District 38 (Bergen and Passaic)

## **Co-Sponsored by:**

Senators Beach, Cunningham, Allen, Bateman, Greenstein, T.Kean, Pennacchio, Vitale, Codey, Sarlo, Beck, Madden, Rice, Lesniak, O'Toole, Whelan, Gill, Singer, Stack, Holzapfel, Pou, Sacco, Scutari, Weinberg and P.Barnes, III

#### **SYNOPSIS**

The "Safe Playing Fields Act"; restricts use of lawn care pesticides at child care centers and certain schools.

## **CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 2/28/2014)

AN ACT concerning the use of lawn care pesticides at child care 1 2 centers and certain schools, and supplementing Title 13 of the 3 Revised Statutes.

4 5

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

6 7 8

1. This act shall be known and may be cited as the "Safe Playing Fields Act."

9 10 11

14

15

16

19

21

22

23

26

2. As used in this act:

12 "Charter school" means a school established pursuant to 13 P.L.1995, c.426 (C.18A:36A-1 et seq.).

"Child care center" means a child care center licensed pursuant to the provisions of the "Child Care Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.).

"Lawn care pesticide" means any pesticide labeled, designed or 17 intended for use on lawns, gardens, turf or ornamental plants. 18

"Low impact pesticide" means a low impact pesticide as defined 20 pursuant to section 3 of P.L.2002, c.117 (C.13:1F-21).

"Pesticide" means a pesticide as defined pursuant to section 3 of P.L.2002, c.117 (C.13:1F-21) but shall not include a "low impact pesticide."

24 "Playground" means a playground as defined pursuant to section 25 1 of P.L.1999, c.50 (C.52:27D-123.9).

"Recreational field" means an athletic playing field.

27 "School" means any public school or private school as defined in 28 N.J.S.18A:1-1.

29 30

31

32

33

34

35

36

37

38

39

- 3. a. No lawn care pesticide shall be applied on the grounds of any child care center, including a playground or recreational field located at the child care center, except that a lawn care pesticide may be applied as an emergency response to eliminate an immediate threat to human health. Such emergency shall be determined by the chief executive or owner, as appropriate, of the child care center.
- b. No child enrolled at a child care center shall be permitted access to a pesticide treated area for at least seven hours after the application.
- 40 No later than one year after the effective date of this act, the Commissioner of Environmental Protection, in consultation with the 41 42 Commissioner of Health, shall adopt rules and regulations in 43 accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), concerning pesticide application, record 44 keeping, and staff and parental notification procedures at child care 45 46 centers consistent with the goal of mitigating potential health risks 47 to young children by reducing or eliminating the use of pesticides, 48 and by first considering the use of low impact pesticides.

4. No lawn care pesticide shall be applied on the grounds of any school, including a playground or recreational field located at the school, which enrolls students in kindergarten or in any grade between grade one through eight, except that a lawn care pesticide may be applied as an emergency response to eliminate an immediate threat to human health. Such emergency shall be determined by the superintendent of the school district, the board of trustees of a charter school, or the principal or chief administrator of a private school, as applicable, in consultation with the local health officer, as appropriate.

1 2

5. This act shall take effect on the first day of the 13th month following the date of enactment.

#### **STATEMENT**

This bill would be known as the "Safe Playing Fields Act," and would restrict the use of lawn care pesticides on the grounds of any child care center and certain schools.

The bill would prohibit the use of lawn care pesticides on the grounds of any child care center, except as an emergency response to an immediate threat to human health, and would restrict child access to pesticide treated areas for at least seven hours after the application.

In addition, the bill would prohibit the use of lawn care pesticides on the grounds of any school which enrolls students in kindergarten or in any grade between grade one through eight, except as an emergency response to an immediate threat to human health, as determined by school officials, in consultation with the local health officer, as appropriate.

The bill would direct the Commissioner of Environmental Protection, in consultation with the Commissioner of Health, to adopt rules and regulations concerning pesticide application, record keeping, and staff and parental notification procedures at child care centers with the goal of mitigating potential health risks to young children.

The bill defines a "lawn care pesticide" as any pesticide labeled, designed, or intended for use on lawns, gardens, turf or ornamental plantings, and the definition of "pesticide" excludes low impact pesticides as defined pursuant to current law.

The bill would take effect on the first day of the 13th month following the date of enactment of the bill into law.